

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 17, 1981  
1:00 P.M.

Council Chambers  
301 West Second Street

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The Meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Duncan, Mullen  
Absent: Councilmembers Deuser, Goodman, Mayor Pro Tem Trevino, Urdy

Councilmember Deuser entered the Council Chamber at 1:20 p.m.  
Councilmember Goodman entered the Council Chamber at 1:26 p.m.  
Councilmember Urdy entered the Council Chamber at 1:35 p.m.

INVOCATION

The Invocation was given by Reverend Parker E. Cross, Pecan Springs Christian Church.

HOLIDAY PROJECT DAY

Mayor McClellan read a proclamation designating December 22, 1981 as Holiday Project Day. Searcy Willie, local Chairperson; Debbie Anderson, assistant chairperson; Dr. Bob Rader, assistant regional coordinator; and Susan Hawkins-Sager, media-chairperson, were present in the Council Chamber to accept the proclamation with their thanks.

PUBLIC HEARING - VARIANCE REQUEST

Mayor McClellan opened the public hearing, scheduled for 1:00 p.m. on the variance request by Mr. Rogers Wilson to build a boat dock off the main lake (Austin) on his property, but within 10' of neighbor's property line.

No one appeared to be heard.

Motion

Councilmember Deuser moved that the Council close the public hearing, and grant the request of Mr. Rogers Wilson to build a boat dock off the main lake (Austin) on his property, but within 10' of neighbor's property line. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Mullen

Absent: Councilmember Goodman, Mayor Pro Tem Trevino

Not in Council Chamber when roll was called: Councilmember Urdy

PUBLIC HEARING- WATER & WASTEWATER SERVICE AREA

Mayor McClellan opened the public hearing scheduled for 1:15 p.m. to consider amending Ordinance Number 810820-B Water and Wastewater Service Area Ordinance.

Mr. Bill Bulloch, Director of Water and Wastewater, presented the following report on Water and Wastewater Service Area Correction at Los Indios Subdivision:

On September 3, 1981, Mr. Michael L. Schoenfield discussed an amendment to the Water and Wastewater Service Area with the City Council. That amendment would revise the service area to include approximately 82 acres adjacent to Pecan Meadows Subdivision.

In preparing the service area map adopted on August 20, the service area boundary line in the vicinity of Pecan Meadows Subdivision was drawn following a fence line thought to be the property line for what is now called the Los Indios subdivision. Eliminating a portion of the Los Indios tract was the result of unintentional error. The entire Los Indios tract has consistently been included in water and wastewater system demand calculations for that area.

As a result, we request that the City Council consider an amendment to Ordinance Number 810820-B as follows: Change the words "Pecan Meadows" to "Los Indios" where shown at the bottom of page two of Exhibit A of Ordinance 810820-B. This change represents an increase of between 70 and 85 acres in the total service area and makes no impact on the total number of service units.

David Armbrust, representing Great Hills and Jester Development Corporation, appeared before Council to say he understands the City of Austin does have a legal commitment to serve both of these two projects and therefore they fit within the ordinance and with respect to these two projects, no amendment of the ordinance is necessary. He said he has furnished the history of the two projects to the Council previously.

Councilmember Deuser asked for a delineation of the boundaries. Mr. Bulloch referred him to the maps he had been given. He said the Los Indios tract is off U.S. 183 in the vicinity of Spicewood Springs Road in Growth Management Area IV. Oak Forest Hills Section II is a piece of property in Growth Management Area IV with a portion in Growth Area Management Area V in the Bull Creek Lateral A Drainage Station off Old Jollyville Road. Jester Point II and Great Hills Phase B are both in Growth Management Area V. The Mission Bend Tract is in Growth Management Area IV off Ranch Road 620 which was outside the original service area and outside the service area originally identified by the staff in the northwest study last October.

#### Motion - Died for Lack of Second

Councilmember Deuser made a motion to approve the three amendments in Growth Area IV that were areas surrounded by those already considered: Oak Forest Hill II, Los Indios and Mission Bend. No one seconded by motion.

Mr. Bulloch said Mission Bend was not recommended by the Planning Commission or by the staff.

Motion

Councilmember Mullen made a motion to approve as per the recommendation of the Planning Commission. Mayor McClellan seconded the motion.

Councilmember Duncan asked if the City has a legal obligation to Great Hills, Jester and Forest Ridge. Mr. Albert DeLaRosa, Acting City Attorney, told him yes on Great Hills and Jester but he is not aware of the facts on Forest Ridge.

Mr. Bulloch said Forest Ridge had an approved approach main in 1979 and there has been an existing legal commitment to provide service to that tract and for purposes of continuity the advocate, as far as the service area and the approach mains, said there was going to be contiguous construction of water facilities and wastewater facilities and brought them in as one but there is a legal commitment to serve Forest Ridge.

Discussion ensued concerning legal commitment.

Mr. DeLaRosa said, "My comments to the water permits are essentially that I don't think the City of Austin has the authority to require someone to go to another source for water. We may note there are other options available, there may even be options to have a private water system, a well system on the property but just because of the fact there are other alternatives available to someone else, the rules of the game were placed this past summer and the rules have been in place for several years....essentially if the City of Austin had the capacity and someone came into the City of Austin to request service then that service could be provided and we could not be arbitrary and discriminatory in whom we chose to serve. We cannot deny simply because there is some other alternative available to the property owner."

Councilmember Deuser said he gave a verbal commitment last week to Mr. Maury Hood on Jester Point II that he would come this week prepared to vote yes or no and in asking Mr. DeLaRosa to review his opinion that would delay Mr. Hood's option.

Mr. Hood said a delay would be a hardship for him. He said Forest Ridge is an existing commitment. Discussion followed.

Councilmember Deuser said he would like to request splitting the vote on Jester Point II and the Great Hills. Mr. DeLaRosa said Jester Point II is not on the table and not included in amending the ordinance, not within the subject of this public hearing because the way the Water and Wastewater Service Ordinance was written it defines a specific geographical area as the service area and says as well that the service area includes within it those tracts of land which are not shown on the area but for which service is already provided that those areas wherein existing legal commitments have been made. What you are voting on is whether or not Los Indios subdivision should be included within the service area. Jester II and Great Hills do not even need to be brought into the discussion.

Motion

Mayor McClellan introduced the following ordinance:

Councilmember Mullen moved that the Council close the public hearing, waive the requirement for three readings and finally pass an ordinance amending Ordinance Number 810820-B Water and Wastewater Service Area Ordinance, to include Los Indios Tract and Oak Forest Hills. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan  
Councilmember Deuser  
Noes: None  
Absent: Mayor Pro Tem Trevino

The Mayor announced that the ordinance had been finally passed.

**WATER AND WASTEWATER APPROACH MAINS**

Councilmember Mullen moved that the Council adopt a resolution approving the following Water and Wastewater Approach Main:

JESTER DEVELOPMENT CORP.

- To construct 10,200 feet of 24-inch, 7,300 feet of 16-inch water main, a 4,500 GPM pump station and a 1.6 million gallon reservoir. Estimated total cost is \$2,338,063.00 for water improvements including 6% for engineering. No City cost participation

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,  
Councilmember Duncan  
Noes: Councilmember Deuser  
Absent: Mayor Pro Tem Trevino

Ord -  
SI 1217-B

Item H-2

December 17, 1981

Public Hearing - Water & Wastewater Service Area  
Amending Ord. No. 810820-B

Councilmember Mullen moved that the Council adopt a resolution approving the following Water and Wastewater Approach Main:

JESTER DEVELOPMENT CORP.

- To construct 2,500 feet of 15-inch, 900 feet of 8-inch and 2,200 feet of 12-inch wastewater main. Estimated total cost is \$263,781.00 for the wastewater improvements, including 6% for engineering. No City cost participation.

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan,  
Councilmember Duncan  
Noes: Councilmember Deuser  
Absent: Mayor Pro Tem Trevino

#### PUBLIC HEARING - RECLOCATION OF STRUCTURE

Mayor McClellan opened the public hearing scheduled at 1:45 p.m. concerning the relocation of a structure located at 1706 Summit View Place (rear) to 1613 Gaston Avenue (rear).

Lonnie Davis showed slides of the two structures and explained what the applicant wishes to do.

Mrs. Alta Hoyl, who owns the property at 1613 Gaston, told Council she buys and sells houses to move. She said the structure she wishes to move will be bricked and made to look attractive.

Philip Creer spoke against the proposal and asked Council not to open the door to duplexes in Pemberton Heights.

Karen Hall, 1607 Gaston, spoke against and said it would be incompatible. Mrs. Pat Youngdale expressed the same thoughts.

Mrs. Hoyl returned to state there are four two-story duplexes on the street behind her and town houses down the street. She said she will fix the property properly.

Mayor McClellan pointed out that staff had stated the proposal would be incompatible with the area.

Motion

Councilmember Deuser moved that the Council close the public hearing and deny relocation of a structure located at 1706 Summit View Place to 1613 Gaston Avenue. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Councilmembers Deuser, Duncan, Goodman  
 Noes: None  
 Absent: Mayor Pro Tem Trevino

## REFUNDING OF UTILITY SYSTEM REVENUE BONDS

Mayor McClellan announced Council would now continue discussion on the Proposed Refunding of Utility System Revenue Bonds, Series 1982, which was begun at the December 16, 1981 Council Meeting.

Mayor McClellan referred to the report given her the day before and asked about the \$26 million figure in 1982 on Schedule A. Mr. Curlee, First Southwest, told her, "That is the debt service on the new proposed bond issue, presuming that it would be issued in the spring, and that would be the interest on the issue for the number of months that would fall through during the fiscal year of the City. We didn't state over here on the side whether that was calendar year or fiscal year, and so forth, so that's where you get the half of debt service. ....To get a level or uniform saving schedule, and the periods are ending 4-1 and 10-1, so the interest amount 13% would be \$11,900,200 and just again to get the schedule level, we have showing a principal amount and this doesn't have to be this way, but a principal amount of \$15,350,000 that first year. So the total would be \$27,250,200 and I reduced that by \$1,200,000 artificially based on the best estimate of the transferred proceeds saving."

Mayor McClellan asked Mr. Scheps what total debt figures he is going to use in the bond prospectus. Mr. Scheps told her, "That's undecided. It is a matter of taste, that the City can tailor this debt service schedule, as I said yesterday, this is the one that is calculated based on level period savings and if we look and decide it would be better for higher present value saving to extend the debt out.....If we use this debt service schedule the number would be the \$1.6 billion. It would be the total debt service."

Mayor McClellan said, "In the long run, the debt comparison, and we have had two different schedules. The original schedule from Dillon Reed showed \$2,074,000,000. This schedule is \$1,040,000,000." Mr. Scheps told her, "That's the question I answered the first time. The original schedule from Dillon Reed was based on a different debt service pattern. When we issue the refunding bonds it is our choice what that debt service pattern is, so if you are looking for the difference between this schedule and that schedule, it is because a totally different debt service pattern was generated and they have different present worth values." Mr. Curlee said, "It might help as a recap that the first figures given you by Dillon Reed envision that you might like to lower the total debt service after you refunded artificially the first

ten years and then level it out for the balance. And that's something you might want to do. But by doing that you get the figure that shows over the last of the two bonds. That is the 13% it would cost more than the present debt service. The Mayor is absolutely right about that. When some of the Council looked at this in work session they wanted to see what it would look like using the same maturity pattern. The first schedule that we were talking about, the Dillon Reed schedules, took the debt out to \$2.9 plus artificially lowering the level of the debt during the first 10 years, if my memory is right. We came back in response to what we thought were questions from the Council, with an intermediate way, keeping the debt the same as it is now, and it shows this \$67,000,000 savings. And these figures are accurate. If you had reasons that you wanted to do it the other way, if you wanted to shorten it below this, we can run these things, just as many as you want to look at, but the final decision is yours and you don't think you could make that today." Mayor McClellan said I appreciate what you said about the final decision and I appreciated what you said yesterday about how complicated it is, but it is something we all need to understand." They then discussed the RFP.

Mayor McClellan said that first they ought to answer the question, "Should we be doing this? And second, give plenty of flexibility in the RFP... if this is the time we should be doing this right now, should it be closer realistically to any sort of sale of the nuke, and I know the tax, IRS question, but I also think that there are many attorneys who will tell you that money is used correctly, that's not so much of a problem." Councilmember Deuser said that "along those lines I believe it would make a lot of difference whether we were selling to an investor-owned utility, or selling to another public entity." Mr. Curlee agreed.

Mayor McClellan said, "What effect will this have on our bond rating and in that respect I would make a request. ....would it be cheaper to use a broker rather than an underwriter. Would there be any validity in including that in an RFP? ..... And another request I have, well two requests. One is that the RFP come back to this Council for approval and that we have time to look at it before it goes out. And even if that takes a special called meeting, I think it is important that we take time at this RFP stage, that we don't just have a sham of an RFP, that it is sincere and it is open to everyone and I think we ought to give plenty of time. I also think we should talk to Moody's and Standard and Poor's."

Council discussed having a meeting on Monday, December 21 at 1:30 p.m. to look over the RFP after it has been prepared. Then they discussed the handling of the responses. Mr. Curlee said they will mail the RFP's on December 21, receive them back on January 6, 1982 and have one week of review and bring it before Council for action on January 13 or 14, 1982.

Mr. Scheps told Council, "I want to just mention one other thing, to make you all feel a little better. Rauscher-Pierce gave me a date on 105 refundings they have done. One was followed by rating downgrades. Sixteen were followed by rating upgrade and the rest of them had no rating change. So the refunding by itself at worst ought to be neutral with respect to ratings, according to their experience."

A Special Meeting of the Council on December 21 at 1:30 p.m. was agreed upon.

#### RESOLUTION FOR BILL BULLOCH

Mayor McClellan read a resolution in honor of Bill Bulloch who has resigned his position as Director of Water and Wastewater for employment in the private sector. Mr. Bulloch thanked the Mayor and Council for the Resolution and said his years with the City of Austin have been very rewarding.

#### RECESS

Council recessed its meeting at 3:30 and resumed its recessed meeting at 4:20 p.m.

#### OLD PECAN STREET

Ms. Janie Milner Sims, Old Pecan Street Association, appeared before Council to discuss a density limitation ordinance of six per block on businesses requiring a liquor and/or beer and wine permit within the National Historic Register.

Mayor McClellan suggested this be sent to the Planning Commission for their recommendation. Jonathon Davis, Assistant City Attorney, told Council that the area could be re-zoned or a limit put on for those requests coming in the future. Council referred this to the Planning Commission for their recommendation.

#### REQUEST FOR HEARING ON EXTENSION OF LOOP 1

Mr. Robert Fields appeared before Council to request that Council set a public hearing on an extension of Loop 1. He said since he made his request to speak before Council, four Councilmembers have come out with press conferences recommending a referendum on the vote of amending the Roadway Plan to bring to a public vote. He said he is pleased with this decision but is also concerned with the events which have led to this decision. To him the issue of MpPac is secondary to the issue of growth and the philosophy of denial. He said this issue has split the Councilmembers and caused unbelievable problems. Mr. Fields requested Council to hold a public hearing to inform the public on all aspects of the issue before the proposed April referendum.

During the public hearing, Mr. Fields said he would like to see staff members bring reports and educate the public on the legality of the referendum or initiative; the wording of the initiative and place some guidelines on how the Council will respond in case of a vote. Mr. Fields said he would also like to see the State come with a report as to their intentions.

Councilmember Deuser stated that if there is a referendum and the voters choose to extend MoPac in both directions, he will pursue the outcome with vigor to uphold the policy of the City and of the City Council before ATS.

Mayor McClellan pointed out there are a number of distinctions between what a Council puts on a referendum. What is put on a referendum is exactly the wording a Council wants. If there is an initiative drive or referendum drawn by the citizens the wording that goes on the ballot is what the citizens are requesting. It is correct that a referendum is non-binding. Anyone on the the Council she said, would be foolish not to abide by the wishes of the public however, "we cannot bind future Councils. If it is an initiative drive which is successful the election could not be held for six months because we already have an initiative drive on the ballot in January, but if it were successful and it passed in August, then it would be binding for a two year period, regardless of who was on the Council. Whereas, the referendum may bind Mr. Deuser morally and ethically, but you certainly can't bind future Councils. But an initiative drive that is started by the people and passed successfully at the polls will be binding for a two year period regardless of who is here. ....It will not be binding on the ATS."

#### PAYROLL DEDUCTION FOR DENTAL INSURANCE REQUESTED

Mr. Jerry Spain, president, Austin Police Association, appeared before Council to request a payroll deduction for dental insurance for association members.

Councilmember Goodman asked that this be referred to the City Manager and for him to also review the Firefighters Association in the request.

## GREENBELT AND PARK PROJECT

Councilmember Goodman moved that the Council adopt a resolution acquiring 38 acres of land, the exact acreage to be determined by a survey prior to closing Big Walnut near Sprinkle Cut-off Road. (Harold Wayne Brumley, Jr.) CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Councilmembers Deuser, Duncan, Goodman  
 Noes: None  
 Absent: Mayor Pro Tem Trevino  
 Not in Council Chamber when roll was called: Councilmember Mullen

## CONTRACT APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

SICO INCORPORATED	- CAPITAL IMPROVEMENTS PROGRAM
7525 Cahill Road	Portable Stage System, Public
Minneapolis, Minnesota	Event Facilities

The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Urdy  
 Noes: None  
 Absent: Mayor Pro Tem Trevino  
 Not in Council Chamber when roll was called: Councilmember Mullen

## CONTRACTS APPROVED

Councilmember Duncan moved that the Council adopt a resolution approving the following contract:

FEDERAL PACIFIC ELECTRIC COMPANY	- CAPITAL IMPROVEMENTS PROGRAM -
c/o R.D. Erb Co., Inc.	Transformer for Oak Hill
111 West Laurel	Substation additional equipment,
San Antonio, Texas	Electric Utility Department
	Item 1 - \$277,000.00 C.I.P. No.79/16-04

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy  
 Mayor McClellan  
 Noes: None  
 Absent: Mayor Pro Tem Trevino

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Councilmember Duncan moved that the Council adopt a resolution approving the following contract:

FEDERAL PACIFIC ELECTRIC COMPANY c/o R.D. Erb Co., Inc. 111 West Laurel San Antonio, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Metal Clad Switchgear to accomodate increased requirements at Oak Hill Substation, Electric Utility Dept. Item 1 - \$104,720.00 C.I.P. No. 79/16-04
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,  
 Mayor McClellan  
 Noes: None  
 Absent: Mayor Pro Tem Trevino

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Councilmember Duncan moved that the Council adopt a resolution approving the following contract:

FEDERAL PACIFIC ELECTRIC COMPANY c/o R.D. Erb Co., Inc. 111 West Laurel San Antonio, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Transformer to supplement additional load requirements at Summit Substation, Electric Utility Department Item 1, 2 ea. - \$614,200.00 C.I.P. No. 82/16-02
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,  
 Mayor McClellan  
 Noes: None  
 Absent: Mayor Pro Tem Trevino

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Councilmember Duncan moved that the Council adopt a resolution approving the following contract:

FEDERAL PACIFIC ELECTRIC COMPANY c/o R.D. Erb Co., Inc. 111 West Laurel San Antonio, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Metal Clad Switchgear at Summit Substation for new I.B.M. facility, Item 1, 2 ea. - \$161,636.00 C.I.P. No. 82/16-02
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The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,  
 Mayor McClellan  
 Noes: None  
 Absent: Mayor Pro Tem Trevino

CONTRACT APPROVED

Councilmember Duncan moved that the Council adopt a resolution approving the following contract: (Renewable Energy Resource Commission and Energy Conservation Commission to review).

SWEET PRINTING COMPANY  
1000 S. I.H. 35  
Round Rock, Texas

- Printing of Residential Conservation Service Program Announcement, Office of Energy Conservation and Renewable Resources Item I - \$5,215.89

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan  
Councilmember Deuser  
Noes: None  
Absent: Mayor Pro Tem Trevino

SPECIAL TRANSIT SERVICES POLICY

Councilmember Goodman moved that the Council adopt a resolution adopting the proposed Special Transit Services Policy and Procedures revisions with additional changes recommended by the Urban Transportation Commission. The motion, seconded by Councilmember Urdy, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan  
Councilmember Deuser, Duncan  
Noes: None  
Absent: Mayor Pro Tem Trevino

HISTORIC REVOLVING FUND LOAN

Councilmember Urdy moved that the Council adopt a resolution authorizing reduction of the Second Lien Position securing the Historic Revolving Fund Loan to Mr. & Mrs. Sam Carruthers, 1602 East 1st Street, to a Third Lien Position. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Urdy, Mayor McClellan, Councilmembers Deuser, Duncan, Goodman  
Noes: None  
Absent: Mayor Pro Tem Trevino

**NO ACTION ON PLANNING COMMISSION  
APPOINTMENT EXTENSION**

Council had before them a resolution to consider extending Planning Commission appointments beyond June 1, 1982.

Mr. Lillie, Director of Planning, told Council there will be a public hearing in May and June on the new zoning ordinance. Recommendations will be presented to Council in June or July. He said he does not want new members to be on the Commission in mid-process of formalizing the ordinance and asks for the extensions of the present appointments.

Councilmember Deuser asked that this be considered at a later date. Therefore, no action was taken.

**ENERGY AUDIT**

Councilmember Duncan moved that the Council adopt a resolution offering a single Energy Audit (RCS/Weatherization) to qualified residential Electric Utility Customers at no cost. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

Absent: Mayor Pro Tem Trevino

**SELECTION PROCEDURE FOR MUNICIPAL COURT JUDGES**

Councilmember Goodman moved that the Council adopt a resolution adopting a procedure for the evaluation and selection of Municipal Court Judges through a screening committee composed of each Councilmember appointing one attorney; one representative from Young Lawyer's; and one representative from Travis County Bar. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

Absent: Mayor Pro Tem Trevino

ANNEXATION

Councilmember Duncan moved that the Council adopt a resolution granting the consent of the City of Austin to the annexation of 12.21 acres of land by the Travis County Water Control and Improvements District No. 21. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy,  
Mayor McClellan  
Noes: None  
Absent: Mayor Pro Tem Trevino

PUBLIC HEARING - TRANSIT ROUTE IMPROVEMENTS

Mayor McClellan opened the public hearing scheduled for 5:00 p.m. on Transit Route Improvements.

Dr. Benson, Director of Urban Transportation, briefly reviewed the plan.

No one appeared to be heard.

Motion

Councilmember Goodman moved that the Council close the public hearing and adopt the Transit Route Improvements. The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Urdy, Mayor McClellan,  
Councilmember Deuser  
Noes: None  
Absent: Mayor Pro Tem Trevino

NO ACTION TAKEN ON RESOLUTION

The Council had before it a resolution to consider rescinding the bid award to Hugh Henderson Company and A.I.M. Inc. for laundry equipment previously approved by Council on December 10, 1981. No action was necessary.

AGENDA ITEM POSTPONED

The following resolution will be brought back on January 14, 1982 for consideration: Consider approval of a Master Acquisition Agreement between the City of Austin, the Uplands Company and the Saratoga Land Company.

There was some discussion by David Armbrust, attorney representing the Uplands Company; members of the Council; Leda Rozelle, chairperson, Water and Wastewater Commission; and Mr. Bulloch, Director of Water and Wastewater, prior to the decision to bring it back for further discussion.

PUBLIC HEARING - PROPOSED PUBLIC EVENT FACILITIES

Mayor McClellan opened the public hearing, scheduled for 5:30 p.m. on Proposed Public Event Facilities.

Ron Wood, Director of Auditorium Facilities, discussed the proposed public event facilities.

Palmer Wright appeared with questions and said the proposal is premature.

David Wier questioned the location and said the facility should be put near the bus station, downtown.

Mr. Joseph, Texas Society of Association Executives, favors construction.

Robert Fall, discussed the tax increment and told Council not to tie up all the money in one zone.

Richard Bettis, Texas Hospital Association, favors the facilities.

Tom Mullens asked for a second public hearing with input from the Downtown Revitalization Commission.

Gus Garcia, Mexican-American Chamber of Commerce, said they like the idea.

Jack Evis, ATOC, expressed surprise at the proposal.

Ruby Goodwin, Democratic Women's Committee, said there should be a second public hearing after review by a task force.

Steve Harris, president, Chamber of Commerce, favors the study now.

Alan Taniguchi, chairman, Downtown Revitalization Task Force, supports the concept with guidelines.

Ari Wright said the private group should fund a study.

Connie Moore is opposed to the center.

Roger Baker is opposed to TIF schemes.

Motion

Councilmember Goodman moved that the Council close the public hearing and refer to Downtown Task Force, who will report back to Council in 60 days. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Urdy, Mayor McClellan  
Councilmember Deuser, Duncan  
Noes: None  
Absent: Mayor Pro Tem Trevino

## PUBLIC HEARING RESCHEDULED

The public hearing, set for 6:00 p.m. on designation of an eligible blighted area pursuant to the rules of issuing industrial development bonds issued by the Texas Industrial Commission, was rescheduled for January 7, 1982 at 8:00 p.m.

## ATS COMMITTEE

Council had before it for consideration a resolution to consider removing Councilman Ron Mullen from the Austin Transportation Study Planning Committee and appointing a new member thereto.

Motion

Councilmember Goodman made a motion, seconded by Councilmember Duncan to adopt a resolution to remove Councilman Ron Mullen from the Austin Transportation Study Planning Committee and appointing Urdy as replacement.

Mayor McClellan stated, "Mayor Pro Tem Trevino had called and asked this be held and then called and asked it not be held because he did not think his vote would make any difference but he did want me to reiterate that his sentiments are precisely like they were before. If the Mayor Pro Tem were here, he would vote against the motion. He is ill today and could not be here. I want the record to reflect that. It does not count as one of my speeches, that is the Mayor Pro Tem's request.

"I will make some comments for the record, perhaps being repetitive from the time before when this was brought up. I think this is really contrary to Austin, Texas politics. In the past on ATS we've had people with differing views from the policy of the Council as we have on many of our study committees, differing views from the majority view of the Council at the time. I think that it is contrary to Austin, Texas politics to say there will be no such thing as a loyal opposition; there will be no such thing as a

voice of dissent. There will be one party line is contrary to Austin, Texas politics. I once was a civics teacher and I think it's probably a good thing that I taught civics before I did it. I used to say there were two real characteristics that were great about this City. One of them was the great diversity of this City. I still believe that. I still believe it is a great strength. People with differing attitudes and differing backgrounds can and must come together and discuss issues and work toward solutions for some very difficult and sensitive subjects. And that means people sitting and discussing these subjects must not all be of one viewpoint. I also think that the great distinction and what I always taught and proceeded to teach was one great distinction between our democracy and our democratic systems of government and certainly our local grass roots level as a democratic system of government and other non-democratic totalitarian systems of government is that in a democracy your ends do not justify your means. In the totalitarian non-democratic systems of government any end justifies any means. I strongly disagree with the means that are being used by this Council and I do not think they justify your end and I think that you who purport to represent the people are in fact within a very elitist attitude and that you are representing and allowing representation for only people who agree with you and no representation whatsoever for those who disagree with the majority of this Council."

Councilmember Goodman stated for the record: "As most people know, this is the second time that we have voted on this matter and I would like to separate the two issues involved and that is one, of Ron's participation on the ATS and political matters that involve his removal, and the real issue at hand which is MoPac and the extension proposed for both north and south. Austin is a City of diversity and I think the community reflects that time and again as they did in the 1981 election and it is not, however, a City where we allow a minority to rule. In this particular case we had a totally unique and unprecedented situation where one member on the ATS, appointed by this Council, the swing vote that could have been the final vote on the extension of MoPac north and south. I heard very clearly in 1981 that people do not want to see Austin develop into another Houston, Dallas or Los Angeles and that has happened in cities all over the country where you see more and more highways and in the situation of MoPac north which would dump out onto 1325, we'd be creating a problem and on the south where we go to 290, once again we'd be creating a problem. We the "gang of four" so to speak have proposed alternatives that are very workable to take care of the problem that we have now. And those situations are 290, 71 needs to be upgraded. Its intersection with Loop 360, Ben White and South Lamar needs to be upgraded, it's dangerous. All Ben White from South Lamar to IH 35 needs grade separations so there can be through traffic. And on the north we can develop an arterial network to serve IBM, Abbott Lab, and Balcones Research Center, without extending MoPac but we can look at a Loop 360 plan but don't believe for

a moment the argument that the Texas Highway Department will never build the Loop 360 plan. If that is their attitude, that they are going to force us to build MoPac before we build Loop 360 then they can take both of them and go back to the Texas Highway Dept. Bldg." Councilmember Goodman went on to say some thought should be given to transportation facilities for the downtown area. ...."It is the issue of MoPac that has counted from the very beginning and that is why I am ready to proceed tonight with designating someone who will reflect the Council adopted policy. The principle involved happens to be the official Roadway Plan of the City of Austin so we have been accused of violating the Open Meetings Law, coercion, etc., when no word has been said about the "gang of 15" who met secretly and privately and planned the meeting, including the publisher of the Austin American-Statesman. That group scheduled the December ATS meeting for MoPac south (by asking the chairman to schedule it) and MoPac north and run it home before any votes could change. At that point a majority of this Council said the matter was so precedented and so critical.....the last thing I wanted to do was offend my friend Ron Mullen, and I think it should be settled by the entire community and I would welcome a public vote on it."

Councilmember Duncan reviewed the history of the Austin Metropolitan Roadway Plan. He said ATS has been saying for several years to not extend MoPac. "Not once during the years has the State come to the ATS meetings to say we should extend MoPac and I felt the policy was clear that everyone agreed. ....As far as public meetings were concerned, the policy was clear, there was no item on the Council agenda to change that policy, no request for new information, no request for a public hearing...but suddenly there was a lot of talk about ATS vote becoming important and a lot of lobbying was done of ATS members. I was lobbied. Suddenly a meeting was set for December 8. We normally wouldn't meet until the summer of next year. Two weeks before the meeting was to take place, Councilmember Goodman and I decided to put on the agenda a reaffirmation of our existing City policy.....It was only at that time that we learned that members of the Council had switched their vote and if we had not held that we would not have found out that Councilmember Mullen had changed his vote. But he cast perhaps the deciding vote and changed the policy of ATS and the City of Austin at the ATS meeting. I don't think public policy should be changed in that manner. It should be changed by a majority of the City Council by a vote on the issue. ....The point is the majority of the Council determines who represents the policy in inter-governmental boards and commissions and it refers to any policy of this Council when a minority tries to obstruct the majority will of this Council. The majority vote, whether I am in that majority or not, will decide what the policy is and will decide what the board and commission appointments are."

Councilmember Mullen stated, "Whenever you get emotionally involved in an issue, whatever it may be, it seems like you cut off all communications. If my side speaks and I listen very carefully and the other side speaks and says it's got to be from some vested interest that doesn't go along with what I believe. I think we are all that way and it is a problem in communication Austin has today and it is a continuing problem. We had a hearing on that

basis of what is the situation on communicating. One group is talking and another group is talking and nobody is listening. If I lived in west Austin on Enfield Road, I probably would be down here fighting MoPac. But I get irritated at the lack of believability in those yellow sheets...it's not true. Where do you get in that thing where 1400 trucks a day will be going on MoPac? That is awful to put that sort of information out. One truck a minute is 1400 a day. If you live there of course you are emotionally involved. I can understand that. The Highway Department took a survey and found that five trucks are using MoPac, not 1400. ....We get to the truth by having a public hearing. Mayor McClellan and I asked for a public hearing because there is some vital information. The rest of the Council said no. I'd like for you all to tell me if you are a minority and would like to share information and have input, how do you do it? In a public hearing. ... I publicly said I was for the extension of MoPac to the south in 1976. I have not changed my position. I have never told anyone else different. Why did I vote for the Roadway Plan? Because you don't always get in it everything you want. You have to make a decision. Do you vote for the plan as a whole to have a roadway plan or do you vote against it and nobody will have a roadway plan. We talked about William Cannon Drive during the C.I.P. I cannot remember if it was Richard or Roger but they both agreed, whichever one brought it up, if you do that, Ron, then we are going to go back and change William Cannon Drive from a six lane to a four lane street. What right is it of their's to modify the Roadway Plan? The same right that I have. They would have done it after a public hearing and they have done it. The same thing I wanted three weeks ago. The LCRA has put in water for an area 1/3 the size of Austin. That's new information. I went and visited with the State. They said the 360 proposal which I thought was a good proposal is not good and they would not recommend it. I don't think they have any vested interest. I think they are trying to look after the safety of people. And yet, in your mind, if we put in 360, it's going to solve the problem. ...." Councilmember Mullen then discussed the number of meetings which are held on different issues. He said this is what our society is all about. People meeting to discuss issues at hand. He said the City has had a contract with the County since 1969 to extend MoPac. When it was set up the law was it would not be built unless it joined two major thoroughfares. ... "I think if we could have had a public hearing before the vote to kick me off the Council, a lot of problems could have been solved. And we would have all heard what the public wanted and not assumed. I would have had a voice in asking the transportation experts what they think is best.

"Three members of this City Council have not sat through a public hearing on this subject and yet they seem to know exactly what the public wants, even though they are willing to sit through public hearings on other changes in the City but not willing to sit through a public hearing that may change things that they are predisposed to know the answers to. I'm amused at some of the people in the audience who consider themselves social liberals that are always concerned about the individual rights, particularly of minorities. You hear that person saying he believes in a concept as long as it

doesn't disagree with an issue but if you cross me on an issue an individual doesn't have any rights anymore, kick him off. Never been done before. This is a new beginning. I think we are setting a precedent that is going to be with Austin for a long time that I find extremely disconcerting and I think this is more important than discussing MoPac. It is the principle of removing people that you disagree with. I think it is wrong and I don't take it as personal, but I take it as a mistake in judgement. If you had elected to listen to the public I would have very little argument, but you elected not to listen to the public and that is what I see is the major issue and problem with what has happened."

Councilmember Urdy says he thinks it is ridiculous to parallel this with racial discrimination. "The policy we are establishing here is a very serious policy and it does not have anything to do personally with Ron as far as I am concerned. What we are talking about is what elected officials are supposed to do with the public policy that is duly approved. The Roadway Master Plan does not involve the extension of MoPac. I am not a professional roadway planner or builder. None of us are. The people we have in the City for that purpose are...that is our Urban Transportation Department. I have not heard from them that they had received one iota of new information concerning the traffic flow relative to those areas at the end of MoPac. Our Roadway Plan certainly can be changed and I don't think anyone wants to say it cannot be changed. But the way to change is to do it in the same way it was established with public input through the Urban Transportation Commission and the Urban Transportation Department. It is their plan at this point in time. ....We should not forget, as elected officials, our conscienceness should be in concert with the public will. I think a public official is elected to represent the City in an official capacity and to not support totally what the City's official plan is, is not a representative of the minority view but is misrepresenting the public view."

Councilmember Deuser said, "My vote tonight will be to clear up any procedural matters." He then justified his position on the vote. He feels other alternatives are better than the extension of MoPac. Councilmember Deuser said he participated in the Austin Metropolitan Area Transportation Plan of 1980 and approved of it then, so coming on to the City Council there was no reason for him to be re-educated. He said during his campaign the issue of MoPac came up three times during his speaking engagements. One time with a group called South Austin. Another time was South Austin Civic Club. The third time it came up in his editorial interview with the American Statesman. Councilmember Deuser said he spoke before many groups and asked them what their concerns are and this issue never came up. Councilmember Deuser said he found out about the ATS meeting and that the vote from the members of the Council on the ATS were not going to all support the majority vote.

He says he has a mandate of the people to carry out their wishes in all legal means and "we are here again tonight to make sure there is no question about the posting on the other to say it was an emergency to do before the meeting which would have passed MoPac. I am sorry it has become an issue not on the issue of MoPac but on the issue of procedure, an issue on whether or not there is fair play. I am here to say it was fair play to do what I was elected to do and I will continue to do fair play in terms of making sure that I represent the City of Austin with all the capabilities that I have."

After more discussion, the following motion was made:

Motion

Councilmember Goodman moved that the Council adopt a resolution to remove Councilmember Ron Mullen from the Austin Transportation Study Planning Committee and appoint Councilmember Urdy thereto. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmembers Urdy, Deuser, Duncan, Goodman  
Noes: Councilmember Mullen, Mayor McClellan,  
Absent: Mayor Pro Tem Trevino

PUBLIC HEARING SET

Councilmember Goodman moved that the Council set a public hearing for January 20, 1982 on an amendment to the Austin Metropolitan Roadway Plan - relating to MoPac at 7:00 p.m. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Councilmember Urdy, Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Mullen  
Noes: None  
Absent: Mayor Pro Tem Trevino

RAINEY STREET PUBLIC HEARING CONTINUED

Mayor McClellan announced it is her understanding there have been several requests to continue the public hearing on Rainey Street which was set for 7:30 P.M. on the Rainey Street Barrio Plan. She asked if anyone objects and wants to speak tonight. No one appeared to be heard.

Motion

Councilmember Duncan moved that the Council continue the public hearing on the Rainey Street Barrio Plan to January 14, 1982 at 7:00 p.m. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Mullen, Urdy

Noes: None

Absent: Mayor Pro Tem Trevino

## PUBLIC HEARING - PROGRESS AND PERFORMANCE OF CDBG

Mayor McClellan opened the public hearing, scheduled for 7:00 p.m. on review of progress and performance of Community Development Block Grant. She said Mayor Pro Tem Trevino had sent a request for the vote on this issue to be held until he is in attendance.

Carlos Herrera, Director of Human Services, told Council during the Fiscal Year 1980-81 the City of Austin's 6th Year CDBG program was conducted with the City receiving \$5.8-million in CDBG funds. In addition to the allocation, on-going projects were administered in funding years from the original first year to the 5th year, representing a total of \$23,459,000. There were 69 projects administered during the Fiscal Year 1980-81. There were many advances made during the past two years and particularly some of the most noticeable achievements accomplished were: (1) the spending rate was surpassed in terms of what was expected by the Department of Housing and Urban Development which was 110% of the 6th year allocation. Implementation of a system for grant control enabling to close out projects funded in the prior year and accountability for the more current years. There was a favorable resolution of some audit fundings in \$1.6 million. All of the questions pertaining to collecting and monitoring funding from prior years were resolved in favor of the city. The city also established and surpassed its minority contracting goals. It was 46.2% of the total CDBG construction contract let to minority firms which represents 32.6% of the contracted funds. For purposes of gaining control and under administration of the housing program funded under the CDBG program, the City also assumed operation of the housing program formerly operated by the Austin Redevelopment Authority through the designation of the Office of Neighborhood Revitalization. In addition negotiations were completed and the implementation process began on the commercial corridors program, the loan leveraging program, which were scheduled for early 1982."

A slide presentation was presented.

Jerry Daniel, Coronado Hills Neighborhood Association, appearing before Council spoke to CDBG funds which may be used to develop water and wastewater facilities for HUD projects. One his neighborhood supports, and one they oppose. Mr. Daniel said he just wanted to make Council aware of their feelings.

Tom Mullins, speaking for ACORN, commended Cerebral Palsy for putting barrier free entrances into the homes. He also commended the Austin Tenant's Council for counseling. He said they were not happy with the performance of the Public Works Department and described why.

Trooper Keaton said housing should follow in a sensitive vein.

George Stone, Director, Austin Tenant's Council, thanked Council for their past and present support of their program. He said there are growing needs and he hopes CDBG will be around to expand the programs.

#### Motion

Councilmember Mullen moved that the Council close the public hearing on review of progress and performance of Community Development Block Grant. The motion, seconded by Councilmember Deuser, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Mullen, Urdy, Mayor McClellan  
Noes: None  
Absent: Mayor Pro Tem Trevino  
Not in Council Chambers when roll was called: Councilmember Goodman

#### ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS THREE, FOUR, FIVE, AND SIX OF THE SUDDETH ADDITION TO THE CITY OF AUSTIN, LOCALLY KNOWN AS 1612-1616 WHELESS LANE, FROM "A" RESIDENCE AND "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "O-1" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (District Council Assemblies of God, C14-81-164)

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Mullen, Urdy, Mayor McClellan

Noes: None

Absent: Mayor Pro Rem Trevino

Not in Council Chamber when roll was called: Councilmember Goodman

ADJOURNMENT

Council adjourned its meeting at 9:05 p.m.

APPROVED

*Carole Helton McClellan*  
Mayor

*10/19/89*

*Refer*

ATTEST:

*Grace Monroe*

City Clerk